

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID STEBBINS, d.b.a. ACERTHORN

PLAINTIFF

VS.

Case 3:21-cv-04184-JSW

KARL POLANO, et al

DEFENDANTS

MOTION FOR ENTRY OF DEFAULT AS TO FREDERICK ALLISON

Comes now, *pro se* Plaintiff David Stebbins, who hereby submits the following Motion for Entry of Default as to Frederick Allison.

1. Comes now, *pro se* Plaintiff David Stebbins, who hereby submits the following Motion for Entry of Default as to defendant Frederick Allison.
2. Although the Clerk's Office has not posted the summons returned executed on Frederick Allison, I have contacted the Marshal for the Northern District of Georgia. They have confirmed for me that Frederick Allison was indeed served on October 8, 2021. See **Exhibit A**. A copy of the formal "summons returned executed" is being provided as **Exhibit B**. The Marshall for the Northern District of Georgia even admitted that she sent a copy of Exhibit B to the Clerk's Office *via email* (see **Exhibit C**), so the Clerk has definitely received notice of this summons returned executed. For these reasons, I ask the Court to treat service of process as valid in this case.
3. Because he was served on October 8, 2021, that means that the 21 day time limit for a responsive pleading began on October 9. See Fed. R. Civ. P. 6(a)(1)(A). Therefore, the deadline to respond was October 30, 2021. But since that was a Saturday, the deadline for him to respond was pushed to November 1, 2021. See FRCP 6(a)(1)(C).
4. It is now November 2, 2021, and Frederick Allison has not appeared in this case in any capacity.
5. I therefore ask the Clerk to enter that party in default in the above-styled action.

So requested on this, the 2nd day of November, 2021.

/s/ David Stebbins
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